



U.S. Department of Justice

United States Attorney
District of New Hampshire

Federal Building
53 Pleasant Street, 4th Floor
Concord, New Hampshire 03301

603/225-1552

June 5, 2021

Dorothy Graham, Esq.
Behzad Mirhashem, Esq.
Federal Public Defender
22 Bridge Street
Concord, NH 03301

Re: U.S. v. Nathan Craigue

Counsel:

We are writing to advise you about information that witness Christopher Erickson recently provided us during trial preparation.

As previously has been disclosed, in his grand jury testimony dated June 26, 2019, Chris Erickson stated the following (beginning at page 17):

Q. And are you – did Mr. McKenna make any worker's comp claim arising from that accident, to your knowledge?

A. Not that I'm aware of.

Q. Did you talk to him about any conversations he might have had with Mr. Craigue about it?

A. I certainly did.

Q. And what did he tell you Mr. Craigue had said?

A. You know, basically you're out of luck, you know, and that's about it.

Q. Okay. In terms of "You're out of luck," what did –

A. No payment.

Q. No payment. From whom? Mr. Craigue?

A. Yes.

Q. Did Mr. Craigue ever say anything to Mr. McKenna, that he told you, about Mr. McKenna making a worker's comp claim?

A. Yes, we discussed it. We discussed it. And being that Mr. McKenna was working under the table, he wasn't to bring it up.

Q. So he said he wasn't to bring it up. Was that something that Mr. McKenna decided, or is that something that Mr. Craigue told him?

A. I believe Mr. Craigue told it to him. But this is only a third-party conversation at this point.

However, during trial preparation, Mr. Erickson said that he was not aware of a conversation after McKenna's 2017 accident between McKenna and Craigue in which worker's

compensation was specifically addressed. Mr. Erickson said that he frequently spoke with McKenna about their financial hardships, and about the fact that McKenna and he did not get paid when they were unable to work. McKenna would say that he could not afford to be out of work without pay, and that the situation “sucked.” But these conversations were not specifically about workers compensation or workers compensation insurance. Also, Mr. Erickson does not recall being told about a conversation in which McKenna asked Craigie about workers compensation payments, or in which Craigie said “You’re out of luck” regarding workers compensation. Asked why he testified as he did in grand jury, Erickson explained that the questioning in the grand jury prompted him to recall the many times he and McKenna griped about the fact that they would not get paid when they could not work due to a workplace injury.

Please contact us if you have questions about this disclosure.

Sincerely,

JOHN J. FARLEY
Acting U.S. Attorney

By: /s/ John S. Davis
John S. Davis
Aaron Gingrande
Assistant U.S. Attorneys